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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,362	08/05/2003	Rob Falke	40055-0001	8884
20480	7590	02/24/2006	EXAMINER	
STEVEN L. NICHOLS RADER, FISHMAN & GRAVER PLLC 10653 S. RIVER FRONT PARKWAY SUITE 150 SOUTH JORDAN, UT 84095			WILKENS, JANET MARIE	
			ART UNIT	PAPER NUMBER
			3637	
DATE MAILED: 02/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/635,362	FALKE, ROB	
	Examiner	Art Unit	
	Janet M. Wilkens	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 28-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the handwritten writings must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claim 12, it is unclear how carving, wood burning, etching, brush marks, imprints and stamps can be considered handwritten writings. Please note: in the specification (page 3), the term "writings" encompass the above features; however, the only handwritten writings disclosed are the handwritten letters.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardin. Hardin teaches a piece of furniture/desk (Fig. 1) having a shelf (2; which is material used as part of the furniture construction) formed as a plank with a recess designed to hold writings, etc there within (Note: because of recess, shelf can also be considered a drawer). The writings (see column 1, lines 12-17) can consist of a piece of paper having columns and rows via dividers/markings (see Fig. 1) and are "permanently" held in the plank if never physically removed. Suction cups in grooves/markings (10) are located inside the plank and inherently provide visual features helpful in the placement of the writings (e.g. the writing are located there

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between, see Fig. 1). The method steps of the claims would inherently be provided for by Hardin since the final results, e.g. permanent writings in a plank which is part of a piece of furniture, are clearly shown. The writings could be added onto the plank before or during use of the piece of furniture, depending on the desired need of the person using/designing the piece of furniture. The writings are protected from outside elements when a glass sheet (5) is placed there over and/or when the plank is in its closed position. For claim 1, Hardin fails to teach that the writings are specifically handwritten; however, handwritten notes, papers, etc. (using pens, pencils, etc.) are well known in the art and this type of paper/writing would have been obvious to use in conjunction with the shelf/plank of Hardin. Furthermore, adding a family tree, pedigree chart, signature, date(s), notary stamp, specific historical event, time etc. on this piece of paper would have been an obvious consideration to one of ordinary skill in the art, depending on the interests of the user, activity/job performed at the desk, etc. Finally, storing memorabilia, such as a ticket, photo etc, with the paper for reference or safe keeping would have been an obvious consideration, depending on the subject matter of the paper, etc.

Claims 1-5, 8-15 and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greiwe et al. Greiwe teaches a piece of furniture/container (Figs. 1 and 2) having a plaque (70; which is material used as part of the furniture construction) formed as a plank designed/prepared to receive writings. The writings are "permanently" added on the plank and can contain a person's name thereon, etc. (see Fig. 2). The method steps of the claims would inherently be provided for by Greiwe since the final

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results, e.g. permanent writings on a plank which is part of a piece of furniture, are clearly shown. The writings could be added onto the plank before or during use of the piece of furniture, depending on the desired need of the person using/designing the piece of furniture. The writings are protected from outside elements when the plank is in its closed position. Furthermore, articles (62,64) are stored in the container above the plank. For claim 1, Greiwe fails to teach that the writings are specifically handwritten; however, handwriting information on articles of furniture, for ownership purposes, documentation purposes, etc. is well known in the art and could have been the means used to write information on the plank of Greiwe. Furthermore, adding a family tree, pedigree chart, signature, date(s), stamps, specific historical event, time etc. on the plank would have been an obvious consideration to one of ordinary skill in the art, depending on the desired need of the person preparing the container.

For claims 2, 14 and 15, Greiwe fails to teach markings/parallel grooves etched in the plank. However, the use of lines on members to aid in adding written material thereon (so that the words/letters are written in a straight line) is well known in the art. Therefore, to etch such grooves in the plaque of Greiwe would have been an obvious design consideration, for the advantage stated above.

Claims 1-3, 6-11, 28 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClintock. McClintock teaches a piece of furniture (Fig. 1) with drawers (4). The drawers include writings on tablets (18) thereof. The tablets are constructed as flat members and employ fasteners/markings to hold papers permanently thereon (Note: if the papers are never removed, they can be considered

permanent). The method steps of the claims would inherently be provided for by McClintock since the final results, e.g. permanent writings on the drawer tablets, are clearly shown. The writings could inherently be added onto the tablets before or during use of the piece of furniture, depending on the desired need of the person using/designing the piece of furniture. The writings being inherently protected from outside elements when the drawers are in their closed positions. For claim 1, McClintock fails to teach that the writings are specifically handwritten; however, handwritten notes, papers, etc. (using pens, pencils, etc.) are well known in the art and this type of paper/writing would have been obvious to use in conjunction with the tablets of McClintock. Furthermore, adding a family tree, pedigree chart, signature, date(s), notary stamp, specific historical event, time etc. on this piece of paper would have been an obvious consideration to one of ordinary skill in the art, depending on the information stored in the case/piece of furniture, etc.

Response to Arguments

Applicant's arguments filed November 18, 2005 have been fully considered but they are not persuasive.

Addressing the arguments directed to the reference of McClintock: as stated above, McClintock teaches all of the limitations of the claims. Furthermore, since the method steps are merely "storing" the writings, "preparing" a furniture member for receiving the writings and "moving" the member from one position to another, the examiner contends that McClintock inherently teaches the method of steps disclosed.

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Namely, the tablets are constructed to receive papers thereon (each plank has a flat bottom construction and a fastener, which can be considered markings, added thereon), the papers are added onto the tablets, being permanently held by the fasteners (the papers are permanent if never removed) and the tablets are movable between exposed and closed positions (the papers being added to the tablets when the tablets are in their exposed position, either prior to use of the furniture or during use thereof). As for the "handwritten" writings, as stated above, handwritten notes, papers, etc. (using pens, pencils, etc.) are well known in the art and this type of paper/writing would have been obvious to use in conjunction with the papers/tablets of McClintock.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

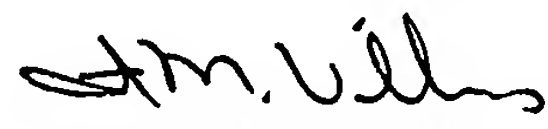
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilkens
February 16, 2006


JANET M. WILKENS
PRIMARY EXAMINER
Art Unit 3637